

EXHIBIT 3

United States District Court
District of Massachusetts

Rec'd 4/10/12

11:10AM

CP

JOSEPH J. IANTOSCA and DAVID A. IANTOSCA, as guardians of Joseph Iantosca Sr. and as Trustees of the Faxon Heights Apartments Realty Trust and Fern Realty Trust, BELRIDGE CORPORATION, GAIL A. CAHALY, JEFFREY M. JOHNSTON, BELLEMORE ASSOCIATES, LLC, and MASSACHUSETTS LUMBER COMPANY, INC., Plaintiffs,)	
UNITED STATES OF AMERICA, Intervening Plaintiff,)	
v.)	
BENISTAR ADMIN SERVICES, INC., DANIEL CARPENTER, STEP PLAN SERVICES, INC. and BENISTAR 419 PLAN SERVICES, INC., Defendants.)	Civil Action No. 08-11785-NMG

VERDICT FORM

SECTION I

1. Do you find that Step Plan Services, Inc. and/or Benistar 419 Plan Services, Inc. are the alter egos of Daniel Carpenter or Benistar Admin Services, Inc. such that it is appropriate to disregard their separate corporate identities?
 - a. Step Plan Services, Inc.
YES X NO
 - b. Benistar 419 Plan Services, Inc.
YES X NO

REGARDLESS OF YOUR ANSWER TO QUESTION 1, AND SEPARATE AND DISTINCT FROM THAT ANSWER, PROCEED TO QUESTION 2.

2. Do you find that defendant Daniel Carpenter or defendant Benistar Admin Services, Inc., or any entity which is an alter ego of either of those defendants, fraudulently conveyed their right, title and interest in the Pennsylvania Settlement to defendant Step Plan Services, Inc.?

YES X NO

SECTION II

3. Do you find that defendant Benistar 419 Plan Services, Inc. was required by law to keep lists of participants in the Benistar 419 Plan at any time during the period from October 23, 2004, to January 20, 2006?

YES X NO

IF YOU ANSWER QUESTION 3 "NO", PROCEED TO QUESTION 5. IF YOU ANSWER QUESTION 3 "YES", PROCEED TO QUESTION 4.

4. Do you find that defendant Benistar 419 Plan Services, Inc. had "reasonable cause" for failing (on any day during the 112-day penalty period) to provide the IRS with lists of participants in the Benistar 419 Plan for the period from October 23, 2004, to January 20, 2006?

YES NO X

IF YOU ANSWER QUESTIONS 4 "NO", PROCEED TO QUESTION 9. IF YOU ANSWER QUESTION 4 "YES", PROCEED TO QUESTION 5.

5. Do you find that defendant Benistar 419 Plan Services, Inc. was required by law to keep lists of participants in the Benistar 419 Plan at any time during the period from January 1, 2003, to October 22, 2004?

YES NO

IF YOU ANSWER QUESTION 5 "NO", PROCEED TO QUESTION 7. IF YOU ANSWER QUESTION 5 "YES", PROCEED TO QUESTION 6.

6. Do you find that defendant **Benistar 419 Plan Services, Inc.** had "reasonable cause" for failing (on any day during the 112-day penalty period) to provide the IRS with participant lists for the period from January 1, 2003, to October 22, 2004?

YES _____ NO _____

IF YOU ANSWER QUESTION 6 "NO", PROCEED TO QUESTION 9. IF YOU ANSWER QUESTION 6 "YES", PROCEED TO QUESTION 7.

7. Do you find that defendant **Benistar 419 Plan Services, Inc.** had "reasonable cause" for failing (on any day during the 112-day penalty period) to provide the IRS with lists of participants in the Benistar 419 Plan for the period from February 28, 2000, to December 31, 2002?

YES _____ NO _____

IF YOU ANSWER QUESTION 7 "NO", PROCEED TO QUESTION 9. IF YOU ANSWER QUESTION 7 "YES", PROCEED TO QUESTION 8.

8. For how many days of the penalty period do you find that **Benistar 419 Plan Services, Inc.** had reasonable cause for failing to provide the IRS with lists of participants in the Benistar 419 Plan?

Number of days _____ (the number must be between 1 and 112)

IF YOUR ANSWER TO QUESTION 8 IS "112 DAYS", PROCEED TO SECTION III. IF YOUR ANSWER TO QUESTION 8 IS FEWER THAN 112 DAYS, PROCEED TO QUESTION 9.

9. Do you find that defendant **Step Plan Services, Inc.** is the alter ego of defendant **Benistar 419 Plan Services, Inc.** such that it is appropriate to disregard its separate corporate identity?

YES X _____ NO _____

IF YOU ANSWER QUESTION 9 "YES", PROCEED TO SECTION III. IF YOU ANSWER QUESTION 9 "NO", PROCEED TO QUESTION 10.

10. Do you find that defendant **Step Plan Services, Inc.** is the nominee of defendant **Benistar 419 Plan Services, Inc.**?

YES _____ NO _____

IF YOU ANSWER QUESTION 10 "YES", PROCEED TO SECTION III. IF YOU ANSWER QUESTION 10 "NO", PROCEED TO QUESTION 11.

11. Do you find that the right to payment from the Pennsylvania Settlement was transferred to Benistar 419 Plan Services, Inc. at any time after July 8, 2009?

YES _____

NO _____

SECTION III

12. Do you find that defendant Benistar Admin Services, Inc. was required by law to keep lists of participants in the Benistar 419 Plan at any time during the period from October 23, 2004, to January 20, 2006?

YES X

NO _____

IF YOU ANSWER QUESTION 12 "NO", PROCEED TO QUESTION 14. IF YOU ANSWER QUESTION 12 "YES", PROCEED TO QUESTION 13.

13. Do you find that defendant Benistar Admin Services, Inc. had "reasonable cause" for failing (on any day during the penalty period) to provide the IRS with lists of participants in the Benistar 419 Plan for the period from October 23, 2004, to January 20, 2006?

YES _____

NO X

IF YOU ANSWER QUESTION 13 "NO", PROCEED TO QUESTION 18. IF YOU ANSWER QUESTION 13 "YES", PROCEED TO QUESTION 14.

14. Do you find that defendant Benistar Admin Services, Inc. was required by law to keep lists of participants in the Benistar 419 Plan at any time during the period from January 1, 2003, to October 22, 2004?

YES _____

NO _____

IF YOU ANSWER QUESTION 14 "NO", PROCEED TO QUESTION 16. IF YOU ANSWER QUESTION 14 "YES", PROCEED TO QUESTION 15.

15. Do you find that defendant Benistar Admin Services, Inc. had "reasonable cause" for failing (on any day during the 112-day penalty period) to provide the IRS with participant lists for the period from January 1, 2003, to October 22, 2004?

YES _____ NO _____

IF YOU ANSWER QUESTION 15 "NO", PROCEED TO QUESTION 18. IF YOU ANSWER QUESTION 15 "YES", PROCEED TO QUESTION 16.

16. Do you find that defendant Benistar Admin Services, Inc. had "reasonable cause" for failing (on any day during the 112-day penalty period) to provide the IRS with lists of participants in the Benistar 419 Plan for the period from February 28, 2000, to December 31, 2002?

YES _____ NO _____

IF YOU ANSWER QUESTION 16 "NO", PROCEED TO QUESTION 18. IF YOU ANSWER QUESTION 16 "YES", PROCEED TO QUESTION 17.

17. For how many days of the penalty period do you find that Benistar Admin Services, Inc. had reasonable cause for failing to provide the IRS with lists of participants in the Benistar 419 Plan?

Number of days _____ (the number must be between 1 and 112)

IF YOUR ANSWER TO QUESTION 17 IS "112 DAYS", YOUR DELIBERATIONS ARE COMPLETE. IF YOUR ANSWER TO QUESTION 17 IS FEWER THAN 112 DAYS, PROCEED TO QUESTION 18.

18. Do you find that defendant Step Plan Services, Inc. is the alter ego of defendant Benistar Admin Services, Inc. such that it is appropriate to disregard its separate corporate identity?

YES X _____ NO _____

IF YOU ANSWER QUESTION 18 "YES", YOUR DELIBERATIONS ARE COMPLETE. IF YOU ANSWER QUESTION 18 "NO", PROCEED TO QUESTION 19.

19. Do you find that defendant Step Plan Services, Inc. is the nominee of defendant Benistar Admin Services, Inc.?

YES _____ NO _____

YOUR DELIBERATIONS ARE COMPLETE. THE FOREPERSON WILL SIGN THE VERDICT FORM AND NOTIFY THE MARSHAL IN WRITING THAT THE JURY HAS COME TO A DECISION BUT DO NOT REVEAL YOUR VERDICT TO THE MARSHAL. THE JURY WILL THEN BE INVITED TO THE COURTROOM TO RETURN ITS VERDICT.

4/10/2012
Date

Suzanne B. Fiedler
Foreperson

The jury requests
a recess until
tomorrow at 9 AM

Suzanne Fiedler
Foreperson
4/9/2012

4:55 PM

Judge Barton

Please clarify dates
of penalty period -

Ext. 430 states

2/21/2006 - 6/9/2006

Judge's instructions
states:

2/18/2006 - 6/9/2006

Which is it?

Suzanne Fiedler
4/10/2012

Judge Gorton —
The jury has
Reached a verdict.

Suzanne Fiedler
04/10/2012